

Message Text

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ACTION L-03

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FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC PRIORITY 9184

C O N F I D E N T I A L TEGUCIGALPA 0363

E.O. 11652: GDS
TAGS: PDIP, HO
SUBJECT: EXTRADITION - CREW OF YOSURU

REF: (A) STATE 11609, (B) STATE 13835

1. BEGIN LIMITED OFFICIAL USE.
EMBASSY REGRETS THAT DESPITE EFFORTS OF PERSONNEL
IN AGENCIES OF BOTH US AND HONDURAN GOVERNMENTS,
GOH EXTRADITION DOCUMENTS IN THE CASE WERE DEFECTIVE
AND TOO LATE IN ARRIVING TO BE OF USE IN US PROCEEDINGS.
BECAUSE IT HAD RESERVATIONS REGARDING GOH CAPABILITY
TO PROPERLY PREPARE DOCUMENTS IN TIME, EMBASSY AT-
TEMPTED TO INFORM DEPARTMENT OF POSSIBLE PROBLEMS AND
RECOMMENDED THAT INTERESTED USG AGENCIES CONTACT GOH
ATTORNEY ITALO TUGLIANI TO OFFER ASSISTANCE DURING
HIS VISITS TO BOSTON AND MIAMI. THESE RESERVATIONS AND
RECOMMENDATION CONVEYED IN EMBTELS 4586, 4620, 4652
IN LATE SEPTEMBER AND IN TELECON WITH LEGAL ADVISOR'S
OFFICE. IN TELECON, EMBASSY SUGGESTED PROVISION ASSISTANCE HERE.

2. EMBOFF LEARNED IN INFORMAL DISCUSSION OF OUTCOME
OF CASE WITH MR. TUGLIANI THIS WEEK, THAT LATTER WAS
ADVISED BY ASSISTANT ATTORNEY GENERAL (CRIMINAL DIVISION)
IN BOSTON TO CITE MONTEVIDEO CONVENTION OF 1933 INSTEAD
OF 1909 TREATY BECAUSE ONLY THE FORMER CONTAINS ARTICLE EXTENDING
EXTRADITION COVERAGE TO OFFENSES AGAINST LAWS FOR
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SUPPRESSION OF NARCOTICS TRAFFICKING. TUGLIANI
ALSO INDICATED THAT HE WAS INFORMED THAT RESUMES
OF APPLICABLE PROVISIONS OF GOH LAWS WOULD BE
ACCEPTABLE IN LIEU OF FULL TEXTS OF THESE LAWS.
ASKED WHETHER HE THOUGHT GOH COULD PREPARE AND
TRANSMIT EXTRADITION DOCUMENTS WITHIN 60 DAY LIMIT,
HE SAID YES, NOW THAT HE AND OTHERS INVOLVED HAD

GAINED EXPERIENCE ON JULIANA AND YOSURU CASES.

3. NOT WITHSTANDING MR. TUGLIANI'S OPTIMISM ON GOH TIMELY AND PROPER PREPARATION OF DOCUMENTS IN FUTURE, EMBASSY STILL HAS RESERVATIONS AND WELCOMES DEPARTMENT'S PROPOSAL CONTAINED REFTELS FOR VISIT BY USG OFFICERS TO REVIEW WITH GOH EXTRADITION PROCEDURES AND DOCUMENTATION REQUIREMENTS.

4. FOLLOWING IS EMBASSY REACTION TO DEPARTMENT'S OTHER PROPOSAL (APRA. TWO REFTEL B) TO DEPORT JOSE GREGORIO CREW. PRECEDENT HAS BEEN ESTABLISHED WITH DEPORTATION OF YOSURU CREW, AND EMBASSY DOUBTS THAT GOH WOULD HAVE SERIOUS OBJECTION TO THIS DISPOSITION OF COLOMBIAN CREWS OF HONDURAN FLAY VESSELS DETAINED BY USG FOR NARCOTICS TRAFFICKING. UPON DETENTION OF FIRST SUCH VESSEL (JULIANA I) IN SPETEMBER, GOH OFFICIALS STATED THEIR INTENTION TO DETER SUCH USE OF ITS FLAG OF CONVENIENCE BY PROSECUTING JULIANA OFFICERS AND CREW, THEREBY MAKING STRONG EXAMPLE OF THIS CASE. GOH APPEARS TO BE MAKING ITS POINT, AS DEFENDANTS HAVE NOW BEEN UNDER DETENTION FOUR MONTHS AWAITING TRIAL. WHILE EMBASSY INCLINED TO CONCUR WITH PROPOSAL TO DEPORT JOSE GREGORIO CREW, WE BELIEVE GOH SHOULD FIRST BE CONSULTED.
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BEGIN CONFIDENTIAL.
DEPARTMENT'S DECISION NO DOUBT WILL BE REACHED ONLY AFTER CONSIDERATION OF OVERALL EFFECT OF THE COURSE ADOPTED ON THE CAPABILITY OF THE COLOMBIAN TRAFFICKERS TO CONTINUE SHIPPING MARIHUANA TO THE US. FOR EXAMPLE, EARLY RETURN OF CREWS TO COLOMBIA COULD IN SHORT RUN FACILITATE MORE FREQUENT SAILINGS OF SMALL, COASTAL FREIGHTERS INVOLVED. IN LONG RUN, HOWEVER, THIS ALSO WOULD GIVE USCG EARLY AND FREQUENT OPPORTUNITY TO CAPTURE THE VESSELS AND THEREBY DEplete THEIR SUPPLY. SINCE SEPTEMBER 1977 SIX SUCH VESSELS OF HONDURAN REGISTRY (ACTURAL OR SUSPECTED) HAVE BEEN CAPTURED BY USCG. OUR BEST STRATEGY MIGHT BE, THEREFORE, TO DO LITTLE TO DETER DEPARTURES OF VESSELS FROM COLOMBIA, IN ORDER TO CAPTURE MORE OF THEM IN VICINITY OF US COAST. SUCH A STRATEGY IS PREMISED ON ASSUMPTION THAT VESSELS WOULD BE MORE DIFFICULT TO REPLACE THAN CREWS. THIS MAY NEED TO BE VALIDATED BY CHECKING SMALL SHIPYARDS ON COLOMBIA NORTH COAST.
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JARAMILLO

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